

REMARKS

This Response is submitted in reply to the Office Action mailed on September 9, 2005. Claims 1, 5, 17, 27, 33, 40, 43, 45, 46, 47, 49, 54, 61, and 65 have been amended. No new matter has been added by these amendments.

A Supplemental Information Disclosure Statement is submitted herewith. A Petition for a two-month extension of time to respond to the Office Action is submitted herewith. A check in the amount of \$630.00 is submitted herewith to cover the cost of the Supplemental Information Disclosure Statement and the two-month extension of time. Please charge deposit account number 02-1818 for any insufficiency of payment or credit for any overpayment.

The Office Action rejected Claims 1, 4 to 31, 32 to 38, 40, 43 to 50, 54 to 58, and 61 to 71 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,855,514 to Kamille ("Kamille"). Applicants respectfully disagree with these rejections. Nevertheless, to expedite prosecution of this application, certain of the claims have been amended for clarification purposes and to place this application in condition for allowance.

As discussed during the telephone interview, Kamille discloses a lottery-type game including a plurality of playing spots or areas which are each initially masked by removable concealing means (Figs. 6A, 6B, 7A, 7C and Col. 5, lines 19 to 29). To begin the game, the player selects one spot or area. The game may include a quantity of starting arrows to indicate to the player a number of places to begin play. The selected spot is revealed to uncover either a directional symbol, a win symbol (i.e., a symbol associated with an award), or a lose symbol (Col. 5, lines 61 to 67).

The directional symbols in Kamille may take the form of arrows or pointers. The directional symbols direct a player to select a specific spot or playing area with the next selection. As a result of the directional's instruction, the player's next selection is limited to only the particular spot or playing area indicated by the directional symbol. In some embodiments, the directional symbol may be a two-pronged arrow, which points to two locations or playing areas. In such embodiments, the player must decide between the two options provided as to which play area to select next (Col. 9, lines 50 to 66).

The directionals in Kamille direct a player in selecting specific playing areas (Col. 10, line 2) which may or may not include a winning symbol. The specification explains that such directionals increase the odds of the player losing by controlling the selections

the player may make (Col. 10, lines 3 to 4). In one type of game piece employing directionals, the game piece itself is a seeded loser, in which there are no ways to win. (Fig. 5; Col. 10, lines 17 to 20). A directional uncovered on such a game piece instructs the player to select a losing symbol. Kamille includes this feature as a way to manage an individual play of the game and as a payout control measure.

Amended Claim 1 is directed to a gaming device which includes, among other elements, at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset.

In the Response to Arguments section, the Office Action states that, in the response to Office Action filed on July 6, 2005, Applicants presented the argument that Kamille teaches a relationship indicator utilized only to control the flow of the game and that the relationship indicator ultimately fails to indicate a relationship between the selected symbol and a target symbol (See Office Action, Page 10). This is a misstatement Applicants' argument. More precisely, Applicants presented the argument that the claims, as amended in the previous response to Office Action, are patentable over Kamille because Kamille does not include the relationship indicator element of the claims (See e.g., Response to Office Action filed on July 6, 2005, Page 23).

Additionally, in the Response to Arguments and during the telephone interview conducted on January 10, 2006, the Examiner expressed the view that Kamille discloses embodiments which include relationship indicators that provide direction to at least one target symbol during play so as to indicate a relationship between the selected symbol and a target symbol in order to increase the player's chance of locating a winning target (See Office Action, page 11). To support this position, the Examiner relies upon the embodiment illustrated in Fig. 7C of Kamille.

Fig. 7C shows an embodiment of Kamille wherein a player begins the game by selecting a symbol in one of five start positions. That is, there are 5 selectable symbols available for the player's first selection. If the player begins the game by selecting the symbol in the start position at the top right corner of Fig. 7C, the player uncovers a

directional instructing the player to choose the symbol to directly the left of the selected symbol. The player can only select the indicated symbol with the next selection. Thus, the directional identifies a subset that includes one selectable symbol. Upon making the next selection, the player uncovers another directional pointing to the symbol directly below the selected symbol. Because the player was obligated to pick this symbol, the previously uncovered directional did not indicate a subset of selectable symbols including the target symbol and did not enable the player to pick the target symbol with the next selection.

If the player begins the game by selecting the symbol in the start position at the top left of Fig. 7C, the player uncovers a directional instructing the player to select the symbol directly to the right of the selected symbol. Because the player must choose the indicated symbol, the directional identifies a subset of selectable symbols that includes one selectable symbol. If the player picks that symbol, the player uncovers a target symbol associated with both an award of 50 cents and a directional that indicates the symbol below the selected symbol. In the second selection, therefore, the player obtained a directional after picking a target symbol. Also, the directional uncovered in the second selection directs the player to choose a void symbol. This directional does not indicate a subset of selectable symbols that includes at least a target symbol and enables the player to choose a target symbol with the next selection in the subset.

If the player begins the game by selecting the symbol in the start position at the bottom left corner of the game piece, the player makes a first selection and uncovers a double-pronged directional instructing the player to pick one of two symbols—the symbol directly to the left or the symbol directly above the picked symbol. This directional indicates a subset of two selectable symbols for the next selection. One of the indicated symbols is a winning symbol (i.e., the \$5 win symbol). That is, if the player chooses to uncover the symbol to the left of the selected symbol with the next selection, the player will select a winning symbol.

Amended Claim 1 includes at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the

player to select the target symbol with a next selection in the subset. Thus, regardless of whether in this iteration of the game Kamille provides a directional that indicates a subset including at least the target symbol that enables the player to select the target symbol with a next selection in the subset, this is not the case after each time a player picks any one of the selectable symbols. As discussed above, if a player begins the game by selecting either the symbol at the top left corner or the symbol at the top right corner of Fig. 7C of Kamille, the player does not uncover a directional as claimed in amended Claim 1. Unlike amended Claim 1, Kamille does not include at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. Accordingly, for at least these reasons, Applicants respectfully submit that Claim 1 is patentably distinguished over Kamille and in condition for allowance.

Amended Claims 17, 27, 40, 43, 45, 47, 49, 54, and 61 are each directed to a gaming device/method of operating a gaming device which includes certain similar elements to amended Claim 1. For the reasons discussed above with respect to amended Claim 1, Applicants respectfully submit that Claims 17, 27, 40, 43, 45, 47, 49, 54, and 61 are patentably distinguished over Kamille and in condition for allowance.

Claims 4 to 15, 18 to 26, 28 to 32, 46, 48, 50, 55 to 58, and 62 to 64 depend directly or indirectly from amended Claims 1, 17, 27, 40, 43, 45, 47, 49, 54, and 61, respectively. Applicants respectfully submit that these claims are patentably distinguished over Kamille and in condition for allowance for the reasons discussed above with respect to amended Claims 1, 17, 27, 40, 43, 45, 47, 49, 54, and 61 and because of the additional features recited in these claims.

Amended Claim 33 is directed to a gaming device which includes, among other elements, a relationship indicator, in the bonus game, controlled by the processor wherein after each time the player picks any one of the selectable numbers using the number selector and the picked number is not the target number and not a last pick, the relationship indicator identifies a relationship between the target number and the picked number including a subset of selectable numbers of the target set which includes at

least the target number and enables the player to select the target number with a next selection in the subset. Unlike amended Claim 33, Kamille does not include a relationship indicator, in the bonus game, controlled by the processor wherein after each time the player picks any one of the selectable numbers using the number selector and the picked number is not the target number and not a last pick, the relationship indicator identifies a relationship between the target number and the picked number including a subset of selectable numbers of the target set which includes at least the target number and enables the player to select the target number with a next selection in the subset. Accordingly, Applicants respectfully submit that amended Claim 33 is patentably distinguished over Kamille and in condition for allowance.

Claims 34 to 38 depend directly and indirectly from amended Claim 33 are also allowable for the reasons given with respect to amended Claim 33 and because of the additional features recited in these claims.

Amended Claim 65 is directed to a gaming device which includes certain similar elements to amended Claim 33. For the reasons discussed above with respect to amended Claim 33, Applicants respectfully submit that amended Claim 65 and Claims 66 to 71 which depend therefrom are patentably distinguished over Kamille and in condition for allowance.

The Office Action rejected Claim 2, under 35 U.S.C. §103(a) as being unpatentable over Kamille in further view of U.S. Patent No. 5, 342,047 to Heidel et al ("Heidel").

Heidel discloses a video lottery terminal that employs touch screens to permit a number of different games to be played on the same machine and includes electromechanical buttons in conjunction with touch screen controls. Heidel teaches the inclusion of mechanical buttons, wherein each button corresponds to a player selectable symbol.

Claim 2 is directed to the gaming device of amended Claim 1, wherein the symbol selector includes a plurality of buttons, each of the buttons corresponding to each of the player selectable symbols in the target set. Therefore, Claim 2 also includes at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator

identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset.

The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kamille to include mechanical buttons that correspond to player selectable symbols, as taught by Heidel, in order to accelerate game play. Regardless of whether it would have been obvious to modify Kamille in the manner proposed by the Office Action, Applicants respectfully submit that the combination of Kamille and Heidel fails to achieve the gaming device of Claim 2.

As previously discussed, Kamille does not teach, disclose, or suggest at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. Heidel also does not teach, disclose, or suggest such an element and, therefore, does not remedy the deficiencies of Kamille. Thus, the gaming device resulting from the combination of Kamille and Heidel would not include at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. On the other hand, the gaming device of Claim 2 includes at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset.

Accordingly, for at least this reason, Applicants respectfully submit that Claim 2 is patentably distinguished over the combination of Kamille and Heidel and in condition for allowance.

The Office Action rejected Claims 3, 41, 42, 51 to 53, and 59 to 60, under 35 U.S.C. §103(a) as being unpatentable over Kamille in further view of U.S. Patent No. 6,159,097 to Gura ("Gura").

Gura discloses a gaming device which includes a basic game and a bonus game. The bonus game includes a screen with eight different characters around a table with an item in the center of the table. In the bonus game, the item is stolen and the player is instructed to choose the person who stole the item from the table. In one embodiment, the player uses a touch screen to select the character. There are two possible outcomes once a character is chosen by the player. The character is either innocent or guilty. The player is awarded a primary bonus based on the number of selections required to find the guilty character. The fewer the number of selections it takes the player to find the guilty character, the greater the primary bonus. Thus, the primary bonus awarded to the player decreases incrementally for each player selection.

Claim 3 is directed to the gaming device of amended Claim 1, wherein the symbol selector includes a touch screen connected to the display device. Therefore, Claim 3 also includes at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset.

The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kamille to include the use of a touch screen, as taught by Gura, in order to allow users to utilize their personal touch screen monitors in the play of the game. Regardless of whether it would have been obvious to modify Kamille in the manner suggested by the Office Action, Applicants respectfully submit that Kamille and Gura, either individually or in combination, do not teach, disclose, or suggest a gaming device which includes at least one relationship indicator controlled by

the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. On the other hand, the gaming device of Claim 3 includes at least one relationship indicator controlled by the processor, wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. Accordingly, for at least this reason, Applicants respectfully submit that Claim 3 is patentably distinguished over the combination of Kamille and Gura.

Claims 41, 42, 51 to 53, and 59 to 60 depend directly and indirectly from amended Claims 40, 49, and 54 respectively. Therefore, the gaming devices of Claims 41, 42, 51 to 53, and 59 to 60 each include, among other elements, a relationship indicator/target symbol indicator in the secondary game wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator/target symbol indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset.

The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to combine the bonus game of Gura into the game of Kamille in order to offer the user a higher level of excitement. Regardless of whether it would be obvious to modify Kamille to include a bonus game, as taught by Gura, the gaming device resulting from the combination of Kamille and Gura would not achieve the gaming devices of Claims 41, 42, 51 to 53, and 59 to 60. As previously discussed, Kamille does not teach, disclose, or suggest a relationship indicator/target symbol indicator in the secondary game wherein, after each time the player selects any one of

the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator/target symbol indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. Gura also does not teach, disclose or suggest such an element. Accordingly, the gaming device resulting from the combination of Kamille and Gura would not include a relationship indicator/target symbol indicator in the secondary game wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator/target symbol indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. Accordingly, for at least this reason, Applicants respectfully submit that Claims 41, 42, 51 to 53, and 59 to 60 are patentably distinguished over Kamille and Gura and in condition for allowance.

The Office Action rejected Claim 39 under 35 U.S.C. §103(a) as being unpatentable over Kamille in view of Kennard et al (U.S. Patent No. 3,825,255).

Kennard discloses a number-guessing game wherein a player selects numbers in search of a hidden plural-digit number. After the player selects an initial number, the selected number is compared digit-by-digit to the hidden number. If any of the digits of the selected number are higher or lower than the hidden number, that digit is transferred to and displayed in a high or low register. As the game progresses, and after the initial selection, if the player selects a number that is higher or lower than the hidden number, the selected number is also compared to the previous selection which is displayed on the high or low registers to make sure that the selected number is closer to the hidden number than the previous selection. If the player selects a number that is not closer to the hidden number than the previous selection, there is no transfer of the selected number to the high or low registers (Col. 1, line 61 to Col. 2, line 8).

Claim 39 is directed to the gaming device of amended Claim 33, wherein the relationship indicator includes a first indicator which indicates that the target number is higher than a picked number and a second indicator which indicates that the target

number is lower than the picked number. Therefore, Claim 39 also includes a relationship indicator, in the bonus game, controlled by the processor wherein after each time the player picks any one of the selectable numbers using the number selector and the picked number is not the target number and not a last pick, the relationship indicator identifies a relationship between the target number and the picked number including a subset of selectable numbers of the target set which includes at least the target number and enables the player to select the target number with a next selection in the subset.

The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kamille to include the indicators of Kennard in order to assist the player in locating the target number. Regardless of whether it would have been obvious to modify Kamille in the manner proposed by the Office Action, this combination of references does not teach, disclose, or suggest a gaming device which includes a relationship indicator, in the bonus game, controlled by the processor wherein after each time the player picks any one of the selectable numbers using the number selector and the picked number is not the target number and not a last pick, the relationship indicator identifies a relationship between the target number and the picked number including a subset of selectable numbers of the target set which includes at least the target number and enables the player to select the target number with a next selection in the subset.

Kamille does not teach, disclose, or suggest a relationship indicator, in the bonus game, controlled by the processor wherein after each time the player picks any one of the selectable numbers using the number selector and the picked number is not the target number and not a last pick, the relationship indicator identifies a relationship between the target number and the picked number including a subset of selectable numbers of the target set which includes at least the target number and enables the player to select the target number with a next selection in the subset. Similarly, Kennard does not teach, disclose, or suggest this element. As discussed above, Kennard teaches that, if a player selects a number that is not closer to the hidden number than a previous selection, there is no transfer of the selected number to the high or low registers. In the gaming device of Claim 39, on the other hand, the relationship indicator identifies a relationship between the target number and the picked number after each time the player picks any one of the selectable numbers using the

number selector and the picked number is not the target number and not a last pick. Thus, unlike the gaming device of Claim 39, neither Kamille nor Kennard individually, nor the gaming device resulting from the combination of Kamille and Kennard, includes a relationship indicator, in the bonus game, controlled by the processor wherein after each time the player picks any one of the selectable numbers using the number selector and the picked number is not the target number and not a last pick, the relationship indicator identifies a relationship between the target number and the picked number including a subset of selectable numbers of the target set which includes at least the target number and enables the player to select the target number with a next selection in the subset. Accordingly, for at least this reason, Applicants respectfully submit that Claim 39 is patentably distinguished over the combination of Kamille and Kennard.

The Office Action rejected Claims 13, 24, 28, and 40 under 35 U.S.C. 103(a) as being unpatentable over Kamille in view of U.S. Patent No. 6,561,902 to Walker et al. ("Walker").

Walker discloses an electronic gaming device, such as a slot machine game, that defines a set of all possible elements of a game. The gaming device generates a set of location assignments for each of the elements, and assigns a location to each element in accordance with the set of location assignments. The player is presented with the locations and selects one or more masked locations. Each received selection signal indicates an element from the set of possible elements. The selected elements are displayed either after each selection is made or after all the selections are made. The gaming device evaluates an outcome of the game in accordance with the selected elements. The outcome may or may not be based on the order in which the elements are selected.

Claims 13, 24, and 28 depend directly and indirectly from amended Claims 1, 17, and 27, respectively. Therefore, the gaming devices of Claims 13, 24, and 28 each include, among other elements, a relationship indicator/target symbol indicator wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator/target symbol indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable

symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset.

Amended Claim 40 is directed to a gaming device which includes, among other elements, at least one relationship indicator in the secondary game controlled by the processor wherein, after each time the player picks any one of the selectable symbols using the symbol selector, and the picked symbol is not the target symbol for that target set and the player has picks remaining, the relationship indicator identifies a relationship in each target set between the target symbol for that target set and the picked symbol including a subset of selectable symbols of the target set which includes at least the target symbol for that target set and enables the player to select the target symbol with a next selection in the subset.

The Office Action states that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kamille to include the ordered feature of Walker, whereby the game outcome is based on the order in which the selection elements are selected. Regardless of whether it would have been obvious to modify Kamille in the manner suggested by the Office Action, the gaming device resulting from the combination of Kamille and Walker would not achieve the gaming devices of Claims 13, 24, 28, and amended Claim 40.

With respect to Claims 13, 24, and 28, Kamille does not teach, disclose, or suggest a relationship indicator/target symbol indicator wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator/target symbol indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. Walker also does not teach, disclose, or suggest such an element and, therefore, does not remedy the deficiencies of Kamille. Thus, unlike the gaming devices of Claims 13, 24, and 28, the gaming device resulting from the combination of Kamille and Walker would not include a relationship indicator/target symbol indicator wherein, after each time the player selects any one of the selectable symbols using the symbol selector which is not the target symbol and not a last selection, the relationship indicator/target symbol indicator identifies a relationship in the secondary game between the target symbol and the selected symbol including a subset

of selectable symbols of the target set which includes at least the target symbol and enables the player to select the target symbol with a next selection in the subset. Accordingly, for at least this reason, Applicants respectfully submit that Claims 13, 24, and 28 are patentably distinguished over Kamille and Walker.

Regarding amended Claim 40, neither Kamille nor Walker individually, nor the gaming device resulting from the combination of Kamille and Walker, teaches at least one relationship indicator in the secondary game controlled by the processor wherein, after each time the player picks any one of the selectable symbols using the symbol selector, and the picked symbol is not the target symbol for that target set and the player has picks remaining, the relationship indicator identifies a relationship in each target set between the target symbol for that target set and the picked symbol including a subset of selectable symbols of the target set which includes at least the target symbol for that target set and enables the player to select the target symbol with a next selection in the subset. Accordingly, for at least this reason, Applicants respectfully submit that amended Claim 40 is patentably distinguished over Kamille and Walker.

An earnest endeavor has been made to place this application in condition for formal allowance and, in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: February 8, 2006